

**TEMPORARY**

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80265T

Application No.

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER  
OF USE AND PLACE OF USE OF THE PUBLIC WATERS  
OF THE STATE OF NEVADA HERETOFORE APPROPRIATED**

THIS SPACE FOR OFFICE USE ONLY

Date of filing in State Engineer's Office NOV 02 2010

Returned to applicant for correction.....

Corrected application filed ..... Map filed.....

The applicant...Ruby Pipeline LLC c/o Dan Gredvig.....

.....P.O. 1087.....of.. Colorado Springs.....  
Street and No. or P.O. Box No. City or Town

.....Colorado....80944....., hereby make.s....application for permission to change the  
State and Zip Code No.

.....■ Point of diversion.....■ Place of use.....■ Manner of use.....■ of a portion  
of water heretofore appropriated under (Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree, give title of Decree and identify right in  
Decree.)

.....Permit 21059 Cert 7053.....

1. The source of water is.....Underground -well MP 465.....  
Name of stream, lake, underground, spring or other sources.

2. The amount of water to be changed.....0.22 cfs (5.156 afa).....  
Second feet, acre-foot One second foot equals 448.83 gallons per minute.

3. The water to be used for.....Pipeline construction.....  
Irrigation, power, mining, commercial, etc. If for stock state number and kind of animals. Must limit to one major use

4. The water heretofore used for.....Irrigation and domestic.....  
If for stock state number and kind of animals.

5. The water is to be diverted at the following point (Describe as being within a 40-acre subdivision of public survey and by course and distance to a found section corner. If on  
unsurveyed land, it should be stated.)

...SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec 17, T.41 N., R.35 E., MDB&M or at a point from which the SE corner of said Sec 17 bears S. 19°.....

...00' E. a distance of 770 feet. For a map of proposed POD, use map on file under 16782.....

6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.)

...SE $\frac{1}{4}$  NW $\frac{1}{4}$  Sec 5, T.44 N., R.37 E., MDB&M, or at a point from which the NW corner of said Sec 5 bears N. 56° 31' W.....

...a distance of 2,815 feet. For a map of existing POD, use map on file under 15606.....

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7. Proposed place of use (Describe by legal subdivisions. If for irrigation, state number of acres to be irrigated)  
....T.41 N., R.36 E., portions of Secs 26, 27, 28, 29, 30, 32, 33, 34, 35 and 36; T.41 N., R.35 E., portions of Secs 19, 20,.....  
....21, 25, 26, 27, 28 and 29; T.41 N., R.34 E., portions of Secs 7, 14, 15, 16, 17, 18, 22, 23 and 24; T.41 N., R.33 E.,.....  
....portions of Secs 5, 6, 7, 8, 9, 10, 11, 12 and 13. For a map of proposed POU, use map on file under 79041T.....

8. Existing place of use (Describe by legal subdivisions. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.)  
....See attached sheet. For a map of existing POU, use map on file under 15606.

9. Use will be from.....November 1, 2010.....to.....October 31, 2011.....of each year.  
Month and Day Month and Day

10. Use permitted from.....May 1<sup>st</sup>.....to.....October 1<sup>st</sup>.....of each year.  
Month and Day Month and Day

11. Description of proposed works. (Under the provision of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) (State manner in which water is to be diverted, i.e. diversion structure, ditches, pipes and flumes or drilled well, pump and motor, etc.)

....Existing well, pump, motor, standpipe and haul trucks.....

12. Estimated cost of works.....complete.....

13. Estimated time required to construct works.....complete.....  
If well completed, describe well.

14. Estimated time required to complete the application of water to beneficial use.....one (1) year.....

15. Provide a detailed description of the proposed project and its water usage (use attachments if necessary):  
(Failure to provide a detailed description may cause a delay in processing)

....See Exhibit "A"......

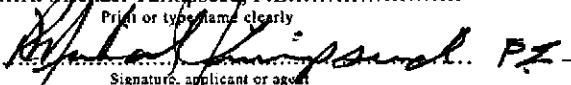
16. Miscellaneous remarks:

....This application has a companion application to change two permits of the same well. 1.66 acres will be stripped of.....  
....irrigation for 2011, at the rate of 3.1 aif/ac.....

....(775)885-2101.....  
Phone No.

By....R. Michael Turnipseed, P.E.....  
Print or type name clearly

....mike\_turnipseed@sbcglobal.net.....  
E-mail

  
Signature, applicant or agent

....204 North Minnesota Street.....  
Street and No., or P.O. Box No.

....Carson City, Nevada 89703.....  
City, State, ZIP Code

12-0111-2-AWYR0Z

APPLICATION MUST BE SIGNED  
BY THE APPLICANT OR AGENT

DRAWSN BY AGENT DEC 01 2010

\$150 FILING FEE MUST ACCOMPANY APPLICATION

 STATE ENGINEER

**EXHIBIT "A"**

This application is one of several to provide construction water for compaction, dust control and hydrostatic testing. The total project consists of 670 miles of 42 inch Natural Gas Pipeline from Opal, Wyoming to Malin, Oregon passing through Elko Co., Humboldt Co. and Washoe County Nevada. The period of use will be from 11/01/2010 to 10/31/2011. The diversion rate on some of the applications is unusually high because during the hydrostatic test they need to fill the pipe as quickly as possible.

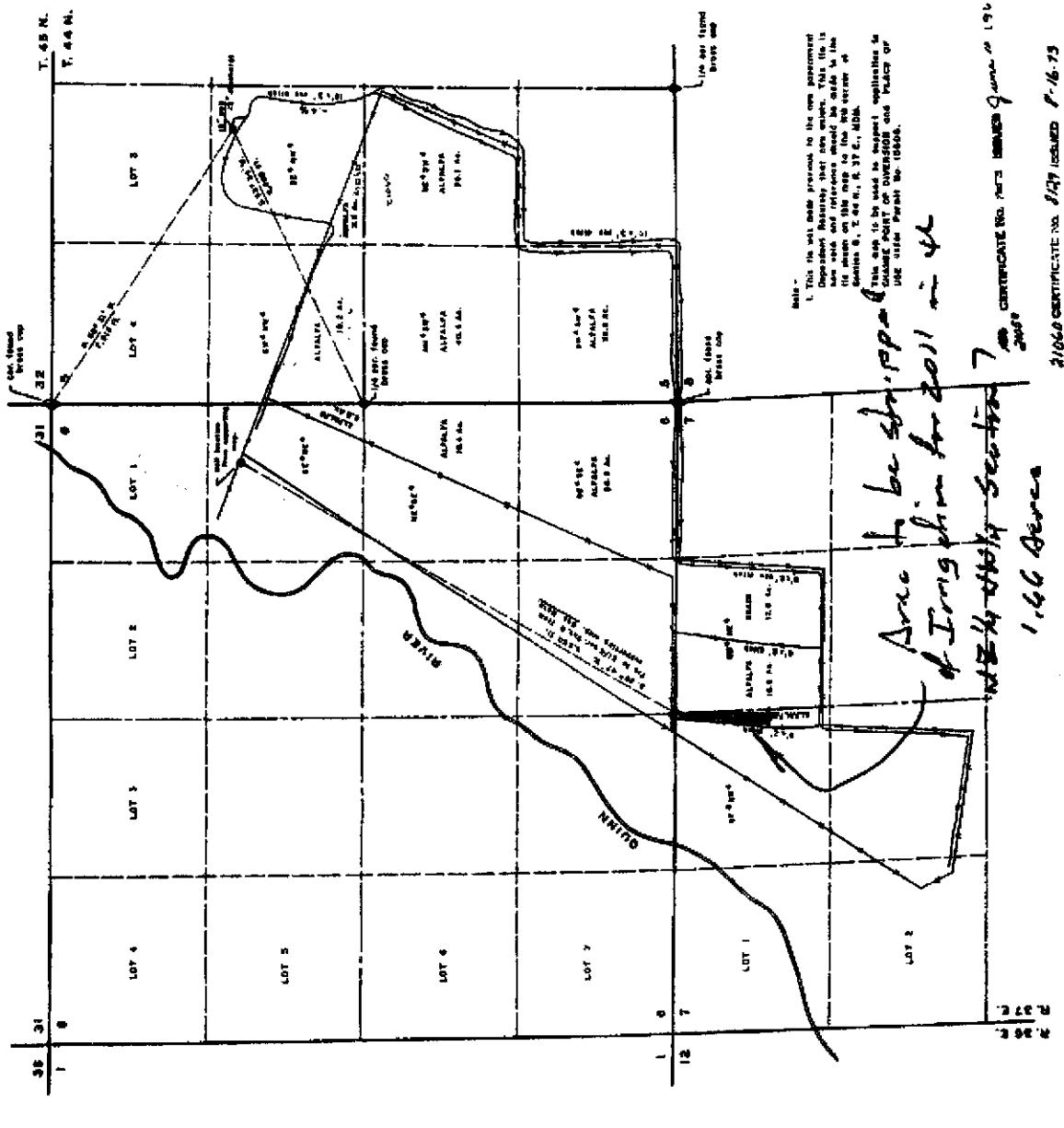
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**Existing POU for MP 465**

18.2 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec 5, T.44 N., R.37 E.; 3.6 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec 5, T.44 N., R.37 E.; 40.4 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec 5., T.44 N., R.37 E.; 30.1 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec 5, T. 44 N., R. 37 E.; 38.2 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec 5, T.44 N., R.37 E.; 2.5 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec 6, T.44 N., R.37 E.; 18.4 acres in the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec 6, T.44 N., R.37 E.; 36.3 acres in the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec 6, T.44 N., R.37 E.; 34.1 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec 7, T.44 N., R.37 E., 3.5 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec 7, T.44 N., R. 37 E., 225.3 acres total, all MDB&M.

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2039 21 31 31 31 -15605



STATE OF MICHIGAN  
COUNTY OF MICHIGAN

I, Matthew P. Elliston, being first duly sworn deposes and says: That I was established or was about to have, during the course of my service made by me the 27th day of April, 1961, one of which was to clear the land for the lot described in the following affidavit, and to receive the services and payment as per the following affidavit:

Matthew P. Elliston, my signature, and initials, M.P.E.

This affidavit is made for the purpose of clearing and removing all debris and trash from the above land for the benefit of the above person, and nothing contained herein shall be construed as a sale or lease of the above land. No money is to be paid by the above person for the removal of the above debris. The above person will be responsible for all expenses incurred by him in the removal of the above debris, and the same will be deducted from the amount due him for the removal of the above debris.

Matthew P. Elliston, my signature, and initials, M.P.E.

This affidavit is made for the benefit of the above person, and nothing contained herein shall be construed as a sale or lease of the above land. No money is to be paid by the above person for the removal of the above debris, and the same will be deducted from the amount due him for the removal of the above debris.

*Matthew P. Elliston*  
State Water Board Surveyor

Sheriff and Clerk to Serve on this 15<sup>th</sup> day of September, 1962

*Lyle L. Elliston*  
Surveyor, State Water Board  
My Commission Expires September 30, 1963

SCALE 1 IN. = 500 FT.  
0 500 1000 1500

FILE  
Surveys

PLAT CERTIFICATE NO. S-479 ISSUED 9-16-73

T. 44 N., R. 37 E., M.D.M.

Baths refer to: Plat line location of T. 44 N.,  
R. 37 E., M.D.M. from U.S. Department of Interior  
M.L.D. Series

ST. 41-110-6  
Received in At 1:42  
October 18, 1962

MAP TO ACCURATE  
PROOF OF BENEFICIAL USE  
Under APPLICATION No. 15606  
FOR INTAGRATION AND DOMESTIC USE  
BY LYLE L. ELLISTON  
FROM UNDERGROUND